UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CARLENE BECHEN, ELVIRA BUMPUS, RONALD BIENDSEI, LESLIE W. DAVIS, III, BRETT ECKSTEIN, GEORGIA ROGERS, RICHARD KRESBACH, ROCHELLE MOORE, AMY RISSEEUW, JUDY ROBSON, JEANNE DANCHEZ-BELL, CECELIA SCHLIEPP, TRAVIS THYSSEN and CINDY BARBERA,

Case No. 11-C-562 JPS-DPW-RMD

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE, and RONALD KIND,

Intervenor-Plaintiffs,

v.

Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants,

F. JAMES SENSENBRENNER, JR., THOMAS E. PETRI, PAUL D. RYAN, JR., REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants

VOCES DE LA FRONTERA, INC., RAMIRO VARA, OLGA VARA, JOSE PEREZ, and ERICA RAMIREZ,

Case No. 11-CV-1011 JPS-DPW-RMD

Plaintiffs,

v.

Members of the Wisconsin Government Accountability Board, each only in his official capacity: MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants.

Declaration of Daniel Kelly in Support of Defendants' Motion for Protective Order

- 1. I am an attorney with Reinhart Boerner Van Deuren s.c., and one of the attorneys representing Defendants, Michael Brennan, David Deininger, Gerald Nichol, Thomas Cane, Thomas Barland, Timothy Vocke, and Kevin Kennedy; I make this declaration in support of Defendants' Motion for a Protective Order.
- 2. Attached hereto as Exhibit A is a true and correct copy of Plaintiffs' Second Set of Interrogatories and Second Request for Production of Documents to Defendants.

- 3. Attached hereto as Exhibit B is a true and correct copy of the first seven pages of a report on Wisconsin Deaths in 2010 produced by the Wisconsin Department of Health Services, State Vital Records Office, as it appeared at http://www.dhs.wisconsin.gov/publications/P4/P45368-10.pdf on January 16, 2012.
- 4. Attached hereto as Exhibit C is a true and correct copy of a print-out of the webpage available at http://www.dhs.wisconsin.gov/births/birthcounts.htm as it appeared on January 16, 2012 from the website of the Wisconsin Department of Health Services.

I declare under penalty of perjury that the foregoing is true and correct.

Dated this 16th day of January, 2012.

s/Daniel Kelly	
Daniel Kelly	

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UNITED STATES DISTRICT COURT EASTERN DISTRICT OF WISCONSIN

ALVIN BALDUS, CINDY BARBERA, CARLENE BECHEN, RONALD BIENDSEIL, RON BOONE, VERA BOONE, ELVIRA BUMPUS, EVANJELINA CLEEREMAN, SHEILA COCHRAN, LESLIE W. DAVIS III, BRETT ECKSTEIN, MAXINE HOUGH, CLARENCE JOHNSON, RICHARD KRESBACH, RICHARD LANGE, GLADYS MANZANET, ROCHELLE MOORE, AMY RISSEEUW, JUDY ROBSON, GLORIA ROGERS, JEANNE SANCHEZBELL, CECELIA SCHLIEPP, TRAVIS THYSSEN,

Civil Action File No. 11-CV-562

Plaintiffs,

TAMMY BALDWIN, GWENDOLYNNE MOORE and RONALD KIND,

Three-judge panel 28 U.S.C. § 2284

Intervenor-Plaintiffs,

٧,

Members of the Wisconsin Government Accountability Board, each only in his official capacity:
MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

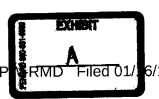
Defendants,

F. JAMES SENSENBRENNER, JR., THOMAS E. PETRI, PAUL D. RYAN, JR., REID J. RIBBLE, and SEAN P. DUFFY,

Intervenor-Defendants.

(caption continued on next page)

PLAINTIFFS' SECOND SET OF INTERROGATORIES AND SECOND REQUEST FOR PRODUCTION OF DOCUMENTS TO DEFENDANTS



VOCES DE LA FRONTERA, INC., RAMIRO VARA, OLGA WARA, JOSE PEREZ, and ERICA RAMIREZ,

Plaintiffs,

٧.

Case No. 11-CV-1011 JPS-DPW-RMD

Members of the Wisconsin Government Accountability Board, each only in his official capacity:
MICHAEL BRENNAN, DAVID DEININGER, GERALD NICHOL, THOMAS CANE, THOMAS BARLAND, and TIMOTHY VOCKE, and KEVIN KENNEDY, Director and General Counsel for the Wisconsin Government Accountability Board,

Defendants.

TO: Maria S. Lazar
Assistant Attorney General
Wisconsin Department of Justice
17 West Main Street
P.O. Box 7857
Madison, Wisconsin 53701-7857

Patrick J. Hodan
Daniel Kelly
Colleen Fielkow
Reinhart Boerner Van Deuren s.c
22 East Mifflin Street, Suite 600
Madison, WI 53703

DEFINITIONS

- 1. "You" and "your" means defendants individually and as a group, and all other persons acting on behalf of or in concert with defendants, including, but not limited to, attorneys, investigators, employees, or agents.
- 2. "In your possession, custody or control" means all documents that are in the actual or constructive possession, custody or control of any of the defendants, their agents, employees, officers and all other persons acting on its or their behalf.
- 3. "Communication," "document," "to identify," and "person" are defined as provided in Civil L.R. 26(d)(2).

4. "Implementation" has the same meaning as the word "implementation" used repeatedly by you in Defendants' Amended Initial Rule 26(a) Disclosures.

INTERROGATORIES

PLEASE TAKE NOTICE that plaintiffs, by their attorneys, Godfrey & Kahn, S.C., pursuant to Fed. R. Civ. P. 33 and the Court's Scheduling and Discovery Order dated November 14, 2011, hereby demand that defendants make full answer in writing under oath to the following questions within twenty (20) days after service of these interrogatories—that is, on or before February 1, 2012.

INSTRUCTIONS

- Answer each interrogatory separately and fully in writing under oath, unless it is objected to, in which event the reasons for objections must be stated in lieu of an answer.
- 2. An evasive or incomplete answer shall be considered a failure to answer under. Fed. R. Civ. P. 33(b)(3).
- 3. You are under a continuing duty to seasonably supplement your response with respect to any question directly addressed to the identity and location of persons having knowledge of discoverable matters. Furthermore, you are under a similar duty to correct any incorrect response when you have later learned that it is incorrect.
- 4. For purposes of these interrogatories, when you are asked to identify a person, identify the person's full name, age, telephone number, and current residential and business addresses, together with a statement as to their relationship with you, if any, and if not presently related, a statement as to whether any such relationship ever existed and the inclusive dates of it.
- 5. In answering the interrogatories, you are required to furnish information that is available to you or available subject to reasonable inquiry, including information in possession of

other persons, firms, partnerships, corporations, or associations directly or indirectly employed by or connected with you or anyone else otherwise subject to your control. This includes employees, contractors, and agents of the Wisconsin State Senate and the Wisconsin State Assembly.

INTERROGATORY NO. 10:

When and in what manner did you become aware of the "anomalies" described in the January 10, 2012 news article in the Wisconsin State Journal with the headline "Errors in redistricting process could affect thousands of voters" and, apparently, described in at least one Government Accountability Board ("GAB") memorandum?

INTERROGATORY NO. 11:

Identify every person with whom any GAB member or employee has communicated, verbally or in writing, about the "anomalies" referenced in Interrogatory No. 10 and describe the circumstances and the substance of the communication. This includes but is not limited to any local government officials with responsibility for voter registration or voting in any election.

INTERROGATORY NO. 12:

Explain how, if at all, the "anomalies" affect the population variations from precise equality reflected in the districts, whether legislative or Congressional, embodied in Acts 43 and 44.

INTERROGATORY NO. 13:

Identify every person who participated in the planning, development, negotiation, drawing, revision, redrawing, or discussion of the districts and maps codified in Wisconsin

¹ See http://host.madison.com/wsj/news/local/govt-and-politics/errors-in-redistricting-process-could-affect-thousands-of-voters/article 04776e4a-3bf8-11e1-9d51-0019bb2963f4.html.

Acts 43 or 44 or any other draft, potential, or proposed redistricting plan. This includes but is not limited to the "implementation" of Act 43 and 44.

INTERROGATORY NO. 14:

Identify every person who was consulted about, or received information concerning, the districts and maps codified in Wisconsin Acts 43 or 44, or any other draft, potential, or proposed redistricting plan, before the proposed boundaries were released to the public on July 8, 2011.

INTERROGATORY NO. 15:

Identify every person with whom any GAB member or employee has communicated, verbally or in writing, about the planning, development, negotiation, drawing, revision, redrawing, or discussion of the districts and maps codified in Wisconsin Acts 43 or 44 or any other draft, potential, or proposed redistricting plan. This includes but is not limited to the "implementation" of Act 43 and 44.

INTERROGATORY NO. 16:

In Defendants' Amended Initial Rule 26(a) Disclosures, paragraphs 9 through 19, you describe individuals who were "involved" in the redistricting process or "assisted" with it.

Please identify any individuals (other than Messrs. Foltz, Ottman and Handrick) who fit the descriptions provided in those paragraphs by name, address, title, and responsibilities, regardless of whether or not you may use discoverable information from those individuals to support your defenses.

REQUESTS FOR PRODUCTION OF DOCUMENTS

PLEASE TAKE NOTICE that plaintiffs, by their attorneys, Godfrey & Kahn, S.C., pursuant to Fed. R. Civ. P. 34 and the Court's Scheduling and Discovery Order dated November 14, 2011, hereby demand that defendants, within twenty (20) days after service of this

request—that is, on or before February 1, 2012—permit plaintiffs' attorneys to inspect and copy the following or, in the alternative, produce legible copies at the office of plaintiffs' attorneys, Godfrey & Kahn, S.C., One East Main Street, Suite 500, Madison, Wisconsin.

INSTRUCTIONS

- 1. Respond to each document request fully, unless it is objected to, in which event the reasons for objections must be stated in licu of providing responsive documents.
- 2. An evasive or incomplete response shall be considered a failure to respond under Fed. R. Civ. P. 34(b)(2)(A) and (B).
- 3. You are under a continuing duty to correct any incorrect or incomplete response as soon as you learn that it is incorrect or incomplete.
- In responding to these document requests, you are required to furnish information that is available to you or subject to your reasonable inquiry, including information in possession of other persons, firms, partnerships, corporations, or associations directly or indirectly employed by or connected with you or anyone else otherwise subject to your control. This includes employees, contractors and agents of the Wisconsin State Senate and the Wisconsin State Assembly.
- 5. If you refuse to produce a requested document, explain the grounds for the refusal and identify the document by describing its nature (e.g., memorandum, letter, notes), date, author(s), recipient(s), and subject matter.
- 6. If any requested document is withheld based on either attorney-client privilege or the attorney work product doctrine or both, a privilege and work product log that complies with the Federal Rules of Civil Procedure related to discovery requests, specifically identifying the attorney or attorneys involved and the document, shall accompany the responses to these requests.

REQUEST FOR PRODUCTION NO. 14:

To the extent not already produced, provide every document of any kind that you intend to introduce at trial.

REQUEST FOR PRODUCTION NO. 15:

Provide every document that discusses, describes, or relates to the "anomalies" referred to in Interrogatory Nos. 10 and 11.

REQUEST FOR PRODUCTION NO. 16:

To the extent not already produced, provide every document, related in any way to Act 43 or 44 and their development, enactment, or implementation, sent to or received from the following individuals by the GAB, its members or employees: Elisa Alfonso, Adam Foltz, Keith Gaddie, Joseph Handrick, Mark Jefferson, Scott Jensen, Eric McLeod, Tad Ottman, Gerard Randall, Alonzo Rivas, Prospectre Rivera, Jesus (Zeus) Rodriguez, Robert Spindell, Jim Troupis, and Mike Wild.

REQUEST FOR PRODUCTION NO. 17:

To the extent not already produced, provide every document, including but not limited to e-mail, concerning any analyses, data, plans, procedures, and/or reports reviewed, relied upon, considered, or prepared by—or available to—any persons involved in the planning, development, negotiation, drawing, revision, redrawing, or discussion of the districts and maps codified in Wisconsin Acts 43 or 44 or any other draft, potential, or proposed redistricting plan.

REQUEST FOR PRODUCTION NO. 18:

To the extent not already produced, provide every document, including but not limited to e-mail, concerning the objectives and/or motives of state lawmakers and members of Congress, and of their staff, consultants, and experts, related to the planning, development, negotiation,

drawing, revision, redrawing, or discussion of the districts and maps codified in Wisconsin Acts 43 or 44 or any other draft, potential, or proposed redistricting plan.

REQUEST FOR PRODUCTION NO. 19:

To the extent not already produced, provide every document, including but not limited to e-mail, concerning the identities of persons who participated in the planning, development, negotiation, drawing, revision, redrawing, or discussion of the districts and maps codified in Wisconsin Acts 43 or 44 or any other draft, potential, or proposed redistricting plan.

REQUEST FOR PRODUCTION NO. 20:

To the extent not already produced, provide every document, including but not limited to e-mail, concerning the identities, contractual agreements, and compensation of any experts and/or consultants (including attorneys retained by contract) retained to assist in the planning, development, negotiation, drawing, revision, redrawing, or discussion of the districts and maps codified in Wisconsin Acts 43 or 44 or any other draft, potential, or proposed redistricting plan.

REQUEST FOR PRODUCTION NO. 21:

To the extent not already produced, provide every document, including but not limited to e-mail, concerning the objective facts referenced, used, or relied upon by—or available to—any persons involved in the planning, development, negotiation, drawing, revision, redrawing, or discussion of the districts and maps codified in Wisconsin Acts 43 or 44 or any other draft, potential, or proposed redistricting plan.

REQUEST FOR PRODUCTION NO. 22:

To the extent not already produced, provide all communications, including but not limited to e-mail, with any persons or entities concerning the redistricting process or the planning, development, negotiation, drawing, revision, redrawing, or discussion of the districts

and maps codified in Wisconsin Acts 43 or 44 or any other draft, potential, or proposed redistricting plan.

Dated: January 12, 2012.

GODFREY & KAHN, S.C.

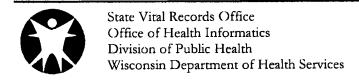
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7340171_2

Wisconsin **Deaths**



Wisconsin Deaths

2010

December 2011

Office of Health Informatics Division of Public Health Wisconsin Department of Health Services

Foreword

This report, Wisconsin Deaths, 2010, presents key information about deaths of Wisconsin residents that occurred in 2010 and previous years. Information is included on the number and rate of deaths overall and by age, sex and cause. Wisconsin Deaths has been published annually since the 1995 data year, and replaced the earlier report series Vital Statistics (data years 1984-1994), Public Health Statistics (1952-1983), and Annual Report of Morbidity and Mortality (1948-1951).

The source of data for this report is death certificates filed with the State Registrar, Vital Records Section, Office of Health Informatics, Division of Public Health, Wisconsin Department of Health Services.

The Office of Health Informatics would like to recognize the following: local Register of Deeds offices and the Milwaukee and West Allis city health offices (for registering deaths), coroners and medical examiners (for certifying causes of death), hospitals and physicians (for certifying deaths), and funeral directors (for filing death certificates). We would also like to acknowledge and thank other states and countries for submitting data on deaths of Wisconsin residents that occurred in those places.

The Department of Health Services produced this publication. Staff of the Vital Records Registration and Statistics Unit, Office of Health Informatics, collected and compiled the death records. Joyce Knapton prepared the report and wrote the narrative. Patricia Nametz, Office of Health Informatics, edited the report. Draft review and comments were provided by Karl Pearson in the Office of Health Informatics. The report was prepared under the supervision of Jane Kraus, Supervisor, Registration and Statistics Unit, and John Kiesow, State Registrar, Vital Records Section.

Death, birth, hospitalization and other health-related statistical information for Wisconsin is also available through the Internet on the Department of Health Services website, at http://dhs.wisconsin.gov/stats. Wisconsin Interactive Statistics on Health (WISH) is a data query system that allows users to obtain death and other data tailored to their specifications, at http://dhs.wisconsin.gov/wish.

Comments, suggestions and requests for additional data may be addressed to:

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Suggested citation:

Wisconsin Department of Health Services, Division of Public Health, Office of Health Informatics. *Wisconsin Deaths*, 2010 (P-45368-10). December 2011.

Note: This report is available on the Web at: http://dhs.wisconsin.gov/deaths/.

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Introduction

All tables and figures in this report present Wisconsin resident data (deaths of Wisconsin residents). This means that deaths have been assigned to the area where the person lived (usually legal residence), regardless of where the death occurred. Most of the deaths reported in this publication occurred in Wisconsin, although the State Vital Records Office receives death certificates of Wisconsin residents from other states and countries as well.

Chapter 69, Wisconsin Statutes, authorizes the Department of Health Services to supervise and direct the collection of death data. This statute also indicates how local registrars are to collect and file certificates for deaths that occur in their jurisdictions.

Beginning with 1999 data, causes of death have been coded using the International Classification of Diseases, Tenth Revision (ICD-10). ICD-10 replaced the ICD-9 that was used to code death data for the years 1979-1998. ICD-10 is a classification system that was developed collaboratively by the World Health Organization (WHO) and 10 international centers to reflect advances in medical science and changes in diagnostic terminology, and to promote international comparability in the presentation of mortality statistics.

A comparability table has been prepared to assist the reader in comparing numbers of deaths by cause between 1999 (and subsequent years) and the years before 1999. The table is available through the Internet on the Department of Health Services website at: http://dhs.wisconsin.gov/deaths/.

Key Findings

- In 2010, there were 47,212 deaths of Wisconsin residents, 1,614 more than in 2009.
- In 2010, the Wisconsin death rate (deaths per 1,000 population) was 8.3, slightly higher than the death rate in 2009.
- Age-specific death rates for males generally exceed death rates for females. However, among persons
 aged 85 and older, the number of female deaths is greater than the number of male deaths (even though
 male death rates remain generally higher). This is because many more females than males live past the
 age of 85.
- Cremation dispositions continued to increase as a percentage of total deaths, while burials continued to
 decrease. Cremations constituted 45% of dispositions in 2010 (compared to 43% in 2009 and 28 in 2001);
 burials constituted 47% of total deaths in 2010 (compared to 49% in 2009 and 62% in 2001).
- Infant deaths decreased from 2009 to 2010. There were 426 infant deaths in 2009 and 393 in 2010.
- In 2010, a total of 57 deaths were reported as due to injuries at work. This was lower than the number reported for 2009 (67).
- As in 2009, the three leading underlying causes of death in 2010 were malignant neoplasms (cancer), diseases of the heart and cerebrovascular diseases (stroke). These three causes of death accounted for 53 percent of total deaths among Wisconsin residents.
- Accidents were the leading underlying cause of death among males ages 1-44. Cancer was the leading cause of death among men ages 45-84.
- Accidents were the leading underlying cause of death among females ages 15-44. Cancer was the leading cause of death among girls ages 1-14 and women 45-84 years of age.
- Cancer and diseases of the heart were the two leading underlying causes of death in each race group. In 2010, cancer accounted for 24 percent of deaths among African Americans, Asians and whites, and 21 percent of deaths among American Indians. Diseases of the heart accounted for 22 percent of deaths among African Americans, 24 percent of deaths among whites, 20 percent of deaths among American Indians and 16 percent of deaths among Asians.
- Accidents were the third leading cause of death among males of all races except for Asian males, for whom suicide was the third leading cause.
- Among females in every race group, diseases of the heart and malignant neoplasms (cancer) were the two leading underlying causes of death in 2010.
- Cancer and diseases of the heart were the leading causes of death among Hispanics/Latinos. In 2010, cancer accounted for 22 percent of deaths among Hispanics and 24 percent of deaths among non-Hispanics.
- There were 11 maternal deaths in 2010, fewer than in 2009 (13). Maternal deaths are deaths attributed to pregnancy-related health conditions or events of delivery.







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2010 Births to Wisconsin **Residents by County**

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These birth counts are provided to assist community agencies that offer programs for infants. Users should be aware that some births are reported several weeks after they occur, and births that occurred outside Wisconsin may not be included in the January 31 counts in this table (first and second columns). For comparison purposes, the third column presents previously published data on all births to county residents in 2008, regardless of where the birth occurred.

Normally, this table would contain the previously published data on all births to county residents in 2009 instead of 2008. As of February 2011, birth data for 2009 has not been published; therefore, the previously published data for 2008 was included as a substitute.

	Resider Repo As of :	All Resident Births		
County	Jan-Dec 2010 (reported as of 1/31/2011)	Jan-Dec 2009 (reported as of 1/31/2010)	2008 Total	
ADAMS	135	172	183	
ASHLAND	156	194	198	



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BARRON	541	494	505	
BAYFIELD	93	103	126	
BROWN	3,409	3,422	3,451	
BUFFALO	90	106	138	
BURNETT	119	136	148	
CALUMET	605	581	633	
CHIPPEWA	741	750	811	
CLARK	599	574	576	
COLUMBIA	599	658	652	
CRAWFORD	156	182	196	
DANE	6,037	6,106	6,224	
DODGE	870	883	954	
DOOR	214	270	253	
DOUGLAS	13	9	470	
DUNN	450	434	425	
EAU CLAIRE	1,098	1,151	1,211	
FLORENCE	4	4	37	
FOND DU LAC	1,064	1,173	1,164	
FOREST	115	105	98	
GRANT	434	456	605	
GREEN	409	434	390	
GREEN LAKE	211	210	218	
IOWA	288	313	325	
IRON	23	15	52	
JACKSON	237	258	242	
JEFFERSON	923	996	1,011	
JUNEAU	262	282	275	
KENOSHA	1,872	1,954	2,306	
KEWAUNEE	204	227	212	
LA CROSSE	1,335	1,358	1,334	
LAFAYETTE	180	181	214	
LANGLADE	204	180	205	
LINCOLN	283	320	317	

MANITOWOC	804	813	932	
MARATHON	1,652	1,658	1,683	
MARINETTE	341	343	396	
MARQUETTE	160	154	152	
MENOMINEE	108	95	130	
MILWAUKEE	14,284	15,207	15,368	
MONROE	623	628	674	
OCONTO	368	411	351	
ONEIDA	306	315	320	
OUTAGAMIE	2,263	2,230	2,384	
OZAUKEE	773	782	822	
PEPIN	51	76	82	
PIERCE	271	248	405	
POLK	392	452	508	
PORTAGE	749	804	719	
PRICE	115	113	108	
RACINE	2,459	2,567	2,673	
RICHLAND	194	225	233	
ROCK	1,960	1,950	2,076	
RUSK	137	167	160	
SAUK	782	783	773	
SAWYER	155	181	194	
SHAWANO	447	429	451	
SHEBOYGAN	1,324	1,343	1,403	
ST. CROIX	667	656	1,081	
TAYLOR	238	249	254	
TREMPEALEAU	360	364	401	
VERNON	398	440	444	
VILAS	191	198	175	
WALWORTH	1,020	1,080	1,191	
WASHBURN	138	150	168	
WASHINGTON	1,369	1,540	1,524	
WAUKESHA	3,872	3,741	3,956	

WAUPACA	502	585	551	
WAUSHARA	232	233	205	
WINNEBAGO	1,871	1,955	1,955	
WOOD	837	852	941	
WISCONSIN	66,386	68,708	72,002	

Last Revised: February 10, 2011

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Brandt, Karen J (15243)

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Activity in Case 2:11-cv-00562-JPS-DPW-RMD Baldus et al v. Brennan et al Declaration

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United States District Court

Eastern District of Wisconsin

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Case Name:

Baldus et al v. Brennan et al

Case Number:

2:11-cv-00562-JPS-DPW-RMD

Filer:

Document Number: 110

Docket Text:

DECLARATION of Daniel Kelly in Support of Defendants' Motion for Protective Order.

(Attachments: # (1) Exhibit A, # (2) Exhibit B, # (3) Exhibit C)(Kelly, Daniel)

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